

CHAPTER 4 THE GENERIC PROCESS FOR CERTIFICATING ORGANIZATIONS

Section 1 General Information

1. BACKGROUND. The purpose of the certification process is to provide a means by which prospective air operators or air agencies are empowered to conduct business in a manner which complies with all applicable Federal Aviation Regulations, the Federal Aviation Act of 1958 (FA Act), and Federal Aviation Administration (FAA) directives. The process is designed to preclude the certification of applicants who are unwilling or

unable to comply with regulations or to conform to safe operating practices.

3. GUIDANCE FOR THE PROCESS. Previously, many areas of the certification process differed from region to region. This chapter will standardize the process on a national basis by precluding and replacing any previous guidance, including regional supplements.

Section 2 The Certification Process

1. GENERAL. This section describes the certification process. When followed by the Aviation Safety Inspector (ASI), the guidance provided here will result in the operator's compliance with the FA Act and applicable regulations. Under no circumstances will an applicant be certificated until the district office is assured that the applicant is capable of fulfilling responsibilities and complying with the Federal Aviation Regulations in an appropriate and continuing manner.

3. THE CERTIFICATION PROCESS. In the narrative which follows, the certification process is detailed in a series of five phases or steps:

- Preapplication
- Formal Application
- Document Compliance
- Demonstration and Inspection
- Certification

A. *ASI Judgment.* For simple organizational certifications, the steps outlined here can be condensed or eliminated. It is important for the ASI to realize that the simplicity or complexity of the certification process is based upon the ASI's assessment of the applicant's proposed operation.

B. *Differences Among Applicants.* The ASI must also realize that some applicants, even though they are proposing a simple operation, may lack a basic understanding of what is required for certification. In such an instance, and after considering all factors, the ASI may want to insist upon following all steps in the process to ensure that safety is enhanced. Conversely, other applicants may propose a very complex operation but be well-prepared and knowledgeable, therefore not requiring that all steps be followed. The process must be complex enough to apply to all possibilities and, at the same time, flexible enough not to discourage the aviation public or overburden the ASI.

5. THE PREAPPLICATION PHASE. Initial inquiries about or requests for an application for an air operator or air agency certificate may come from individuals or organizations and may be in writing or in the form of informal meetings with district office personnel.

A. *Initial Inquiry.* During the initial contact, the applicant will usually have specific questions about the certificate requirements.

(1) The ASI should explain to the applicant all equipment, material, and facility requirements and discuss pertinent Federal Aviation Regulations and Advisory Circulars (ACs). The ASI should tell the applicant how to obtain current copies of these documents and explain that the applicant should review them carefully before filling out an application.

(a) At this point, the ASI should determine if the applicant is sufficiently aware of the certification requirements. The ASI should try to gauge the experience level of the applicant to determine how formal the process must be. If the applicant wishes to continue with the process, the ASI will provide the applicant with copies of the appropriate application form.

(b) The applicant may provide three choices (in order of preference) of a three-letter designator, which will become part of the operator certificate number. The applicant will have to provide the choices to the ASI (preferably in writing) at some point during the certification process. Otherwise, the applicant will receive a random, computer-generated number. Obtaining certificate numbers is covered in Vol. 1, Ch. 9, Obtain Certificate Number for an Air Operator/Air Agency.

(2) If the applicant is proposing a complex operation (i.e., a large number of complex aircraft or an operation conducted in several district office jurisdictions) or seems unclear about the specific requirements, the ASI may ask the applicant to describe the intended operation in writing.

(a) In such an instance, an applicant for a FAR Part 125 certificate is given FAA Form 8400-6, Preapplication Statement of Intent (PASI), to fill out and return for review.

(b) Applicants for FAR Part 145 certificates could be asked to submit a letter of intent, detailing the operation they wish to undertake, the equipment they have available, the facilities they plan to use, and the approximate date when they plan to begin operation.

(c) The scope of the proposed operation may also require that the applicant (or representative) come to the district office for a preapplication meeting in addition to submitting a Preapplication Statement of Intent or letter of intent. If there is any question about the need for such a meeting, the ASI should consult with the district office manager or unit supervisor.

(3) An applicant who is already familiar with the certification process (i.e., a pilot who has worked for a certificated air operator or air agency and wishes to start

a similar business) may simply submit a completed application form during the initial contact with the district office. The applicant may present the application in person along with any manuals and other documents that might be required. This will usually occur only when the applicant's operation is of limited complexity.

B. Certification Team Assignment. The district office manager will assign sufficient ASIs to a certification team. One team member will be designated as a Certification Project Manager (CPM). The Certification Project Manager will not only coordinate certification matters with the applicant, but will also ensure that the unit supervisor is kept fully informed of the project's current status (e.g., during staff meetings). Team members must strive at all times to maintain a professional and responsive relationship with the applicant. From the time of its appointment, the certification team handles all matters pertaining to the applicant, regardless of whom the applicant initially contacted.

C. Preapplication Meeting. If, after its assignment to the project, the certification team has determined that a preapplication meeting is necessary, the Certification Project Manager or team leader shall contact the applicant to arrange the meeting as soon as practicable.

(1) The meeting should include, but not be limited to, the following:

- A review of the Preapplication Statement of Intent or letter of intent to verify that all information is complete and accurate
- A review of applicable Federal Aviation Regulations and ACs (and how to obtain them, if not already accomplished)
- A review and discussion of the certification procedures to ensure that the applicant understands what is expected
- A review of what is required on the application and what is to be submitted with the application
- Provision of a certification job aid to the applicant

- An indication of which ASIs will conduct which aspects of the certification

(2) Operator certification tasks in Volume 2 provide guidance on preapplication meetings for the different types of air operator or air agency certificates.

D. Terminating the Preapplication Phase. The Preapplication Phase ends when the certification team is satisfied that the applicant is prepared to proceed with formal application. If the applicant is not ready, the team should advise the applicant of the problems and work with the applicant to arrive at solutions or terminate the certification process.

7. THE FORMAL APPLICATION PHASE. An applicant's presentation of an application package and the district office's review is considered the Formal Application Phase.

A. Receipt of Formal Application Package. The application package may be received by mail, or it may be hand-delivered by the applicant. If it is hand-delivered, the applicant will be informed that the FAA will need a brief period of time to review it. Discussions of its acceptability should be avoided at this time. Persistent applicants should be informed that further discussion will not be productive until the certification team has reviewed the formal application. The applicant will then be advised that the certification team will be in contact, normally within five working days, concerning the application package's acceptability and to arrange for a formal application meeting if necessary.

B. Application Package Initial Review. Upon receipt of an application package, the certification team must initially review it to determine its acceptability. The package generally consists of:

- Copies of the application form (or letter of formal application for a FAR Part 125 applicant)
- Documentation that the applicant has or can obtain use of an aircraft or appropriate facilities, as applicable

- Any partial or complete manuals, as applicable
- Curricula or personnel training programs, as applicable
- A Schedule of Events (see below)

C. Schedule of Events.

(1) For FAR Part 121, 125, 135, or 145 certification, a Schedule of Events is required to be submitted with the application.

(2) For FAR Part 133, 137, 141, or 147 applicants, a Schedule of Events is only necessary for an applicant who proposes a large operation where multiple meetings and demonstrations may be required. It is up to the certification team to determine if the applicant's proposed operation indeed warrants a Schedule of Events.

(3) When a Schedule of Events is required, the certification team must carefully consider the feasibility of the proposed schedule with respect to logic of sequence, timeliness of events, completeness of events, and ASI availability.

- Logic of sequence: Many of the activities or events listed in the schedule must occur before other activities or events.
- Timeliness of events: The Schedule of Events must provide sufficient time for the certification team to review the applicant's various documents, manuals, and proposals.
- Completeness of events: The number of and kinds of submissions made by the applicant for evaluation and acceptance or approval may vary according to the complexity of the proposed operation.
- ASI availability: Another concern in meeting the Schedule of Events is the availability and the capability of the office personnel resources. Sufficient qualified ASIs must be made available to ensure timely completion of the certification process.

D. *Formal Application Meeting.* If the certification team determines the necessity for a formal application meeting, all members of the certification team must be present, barring unanticipated circumstances. During the meeting, the certification team and the applicant will review the application package and resolve any discrepancies.

(1) If mutual agreements cannot be reached on any discrepancies, the team should terminate the meeting and inform the applicant that the application package is not acceptable. The application package must then be returned to the applicant with a letter explaining the reasons for the rejection.

(2) When agreement has been reached on corrective action for deficiencies, the team should then encourage the applicant to present any questions concerning the upcoming certification. The certification team members should answer these questions fully and candidly.

(3) Before the conclusion of the formal application meeting, the team must make certain the applicant clearly understands the following:

(a) The applicant will receive notification in writing in the event the application is rejected. This notification should be made within five working days after the formal application meeting. A telephone call concerning the application rejection shall be made to the applicant as soon as the determination is made, indicating that written notification will follow and will include the reasons for the rejection.

(b) If the application is acceptable, the certification process continues with an in-depth examination of the application and associated documents during the “document compliance phase.” In some cases, telephone confirmation is sufficient; however, written confirmation is encouraged. A letter accepting the application is necessary because the time limit begins upon receipt of the application in an acceptable form.

(c) Acceptance of the application does not constitute acceptance or approval of any attached documents (curricula, sample manuals, etc.). They will be

reviewed further, and the applicant will be expected to take corrective action if required. Acceptance or approval of each attachment will be indicated separately.

E. *Application Rejection.* Rejection of an application will be a sensitive issue, since the applicant will most likely have already expended funds and resources to this point. Therefore, it is important for the team to document thoroughly the reasons for the rejection. The reasons should clearly indicate that to proceed with the certification process would not be productive unless the applicant is willing to accept the team’s corrective suggestions. Reasons for rejection might include lack of agreement on appropriate courses of action or evidence that the applicant misunderstands regulatory requirements and the certification process. In the event of rejection, the application and documents submitted are returned to the applicant with a letter of rejection.

F. *Terminating the Formal Application Phase.* If the certification team accepts the application package, the Formal Application Phase of the certification process is terminated, and the Document Compliance Phase begins.

9. THE DOCUMENT COMPLIANCE PHASE. The document compliance phase is that part of the certification process where the applicant’s manuals and other documents are carefully reviewed and either approved or rejected. This phase, for the most part, is performed in the district office by members of the certification team.

A. *Required Documents.* The required documents vary with the type of certificate under consideration.

B. *Unacceptable Documents.* If any of the documents are unacceptable, they will be returned to the applicant. The team may want to send the applicant a letter of rejection stating those reasons for rejection.

C. *Acceptable Documents.* If the team finds all documents acceptable, the certification process proceeds with the Demonstration and Inspection Phase.

D. *Applicant Profile.* The team shall obtain a profile of the applicant and personnel by using the Integrated Safety Information Subsystem (ISIS). This profile may determine if the certification process should continue.

For example, if the information obtained in the profile indicates a suspension or revocation order is in effect, it would prohibit certification.

E. *Terminating the Document Compliance Phase.* Once all required documents are approved or accepted, the Document Compliance Phase ends. The certification process continues in the Demonstration and Inspection Phase. Although the Document Compliance Phase and the Demonstration and Inspection Phase are dealt with as distinct, separate phases, the two may overlap or occasionally coincide.

11. THE DEMONSTRATION AND INSPECTION PHASE. In the Demonstration and Inspection Phase, the certification team inspects the applicant's facilities and equipment and observes personnel in the performance of their duties. Emphasis in this phase is on compliance with regulations and safe operating practices. Through observation, monitoring, and other forms of on-site evaluation, the certification team will be exposed to many types of activities.

A. *Regulatory Compliance.* During evaluation, the team shall ensure the applicant's ability to comply with all applicable sections of the Federal Aviation Regulations.

B. *Determination of Approval or Disapproval.* Throughout the demonstration and inspection phase, the team will ensure that all aspects of the applicant's required demonstrations are observed and that a determination of approval or disapproval for each is made.

C. *Handling Deficiencies.* If, at any time, certain items or the applicant's conduct of activities prove to be deficient, appropriate corrective action must be taken. If necessary, the certification team will advise the applicant of the impracticality of continuing the certification process due to the extent of the deficiencies.

D. *Specific Guidance.* Operator certification tasks in Order 8300.10, Volume 2, provide specific guidance for this phase.

E. *Unsatisfactory Demonstration.* If a particular demonstration of compliance is unsatisfactory, the certifi-

cation team must discuss with the applicant how to correct the problem. Reinspection should be scheduled as necessary. The team may want to follow up with a letter indicating the nature of the failure and its corrective action. Deficiencies will have to be corrected before the process can continue.

F. *Satisfactory Demonstrations.* If the applicant's demonstrations are successful, appropriate documentation will be issued by the certification team.

G. *Terminating the Demonstration and Inspection Phase.* When all demonstrations are satisfactorily completed, the Demonstration and Inspection Phase is ended, and the applicant is ready for issuance of the certificate.

13. THE CERTIFICATION PHASE

A. *Obtaining Certificate Numbers.* The Certification Project Manager is responsible for assuring that a certificate number is obtained from the Operational Systems Branch, AFS-620, in Oklahoma City, OK. An ASI on the certification team shall telephone AFS-620 when a pre-certification number (FAR Part 125 only) or certificate number is required.

(1) When contact is made, the ASI will state that the purpose of the call is to obtain a certificate number for an air operator or air agency. The ASI follows the procedures found in Vol. 1, Ch. 9, Obtain Certificate Number for an Air Operator or Air Agency.

(2) AVN-620 uses a systematic scheme for the construction of standard certificate numbers. See Vol. 1, Ch. 9, Section 1, for an explanation of how this number assignment system was developed and works.

(3) Federal Aviation Regulations require the issuance of a pre-certification number. (See Vol. 1, Ch. 9.)

B. *Preparation of Certificate.* The air operator or air agency certificate, as appropriate, will be prepared in the district office for the manager's signature. The newly certificated operator cannot conduct any operations without the certificate in possession. The operator may elect to pick up the certificate from the district office in person, or it may be mailed to an address the operator specifies.

C. *Certification File.* The certification team will assemble a certification file. The file, which is maintained at the Certificate Holding District Office (CHDO), will include:

- A copy of the Preapplication Statement of Intent or letter of intent, as appropriate
- A copy of the application
- A copy of the operator's certificate
- A copy of any manuals or approved curricula
- A copy of the completed certification job aid
- A copy of the operations specifications, if applicable
- A summary of any difficulties encountered during any phase of the certification or recommendations for future surveillance (Certification Report)
- Enforcement Information System (EIS) and Accident/Incident Data System (AIDS) profiles for the applicant and the pilots

- Copies of leases, agreements, and contracts, if applicable
- Compliance statement, if applicable
- Any correspondence between the applicant and the FAA

D. *Post-Certification Surveillance Plan.* After the new air operator or air agency is certificated, the certification team will establish a post-certification plan using the Work Program Management System and national program guidelines as a basis for inspection and surveillance.

(1) When developing the post-certification plan, the certification team may decide to direct additional surveillance during the first few months the newly certificated operator is in business. This may assist the operator in continuing compliance with pertinent regulations.

(2) The team is also responsible for assembling a Certification Report, which includes the names and titles of each team member. The report shall be signed by the Certification Project Manager and have a summary of any difficulties or recommendations encountered during the certification process. This report will be valuable in preparing surveillance plans, since it will have highlighted possible weak areas which can be emphasized during an inspection.